



BOARD OF APPEALS
Diane R. Gordon, Co-Chair
Harry Miller, Co-Chair
Bailey S. Silbert

Town of Brookline

Massachusetts

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Patrick J. Ward, Secretary

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. BOA 070028

Petitioners, William Conant Brewer and Lorrie Anderson applied to the Board of Appeals for zoning relief to construct a mudroom addition on the side of their home at 68 Wolcott Road.

On April 12, 2007 the Board of Appeals met and determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals and fixed June 7, 2007 at 7:00 p.m. in the Selectmen's Hearing Room on the sixth floor of the Town Hall as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioners, to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published May 17 and 24, 2007 in the Brookline Tab, a newspaper published in Brookline. Copy of said notice is as follows:

TOWN OF BROOKLINE
MASSACHUSETTS
BOARD OF APPEALS
NOTICE OF HEARING

Pursuant to M.G.L., C.39, sections 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:

Petitioner: **BREWER, W. Conant and ANDERSON, Lorrie**

Location of Premises: **68 WOLCOTT RD BRKL**

Date of Hearing: **06/07/2007**

Time of Hearing: **07:00 p.m.**

Place of Hearing: **Selectmen's Hearing Room, 6th. Floor**

A public hearing will be held for a special permit and/or variance from:

- 1) 5.43; Exceptions to Yard and Setback Regulations; Special Permit Required.**
- 2) 5.60; Side Yard Requirements; Variance Required.**
- 3) 8.02.2; Alteration or Extension; Special Permit Required,** of the Zoning By-Law to construct a mudroom addition per plans at **68 WOLCOTT RD BRKL.**

Said Premise located in a S-15 District.

Hearings, once opened, may be continued by the Chair to a date and time certain. No further notice will be mailed to abutters or advertised in the TAB. Questions regarding whether a hearing has been continued, or the date and time of any hearing may be directed to the Zoning Administrator at 617-734-2134 or check meeting calendar at: <http://calendars.town.brookline.ma.us/MasterTownCalendar/?FormID=158>.

*The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to the **ADA Coordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2330; TDD (617) 730-2327.***

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At the time and place specified in the notice, a public hearing was held by this Board.

Present at the hearing was Chair, Diane Gordon and Board members Bailey Silbert and Murray Shocket. Mr. Brewer, the petitioner, was accompanied at the hearing by his architect,

Rick Schmidt, AIA of RF Schmidt Architects, 78 Wolcott Road, Chestnut Hill, MA. Mr. Schmidt presented the case before the board.

Mr. Schmidt described the project as a modest addition of a mudroom to the right side of the petitioner's home. The structure is currently a two story, single family colonial style home on a rectangular shaped lot that slopes significantly up to the rear. The neighborhood is largely wooded and consists primarily of single family dwellings. Mr. Schmidt stated that the petitioners are proposing to construct a ground-floor addition to provide for a mudroom on the right side of the house. The gabled roof addition would be 7 feet 7 inches wide by 11 feet 4 inches long, for an approximate total area of 86 square feet. The addition would involve removing the existing small porch and stairs structure currently on the side of the house. The new doorway for the addition would be at the rear, accessed by a low deck and stair structure approximately 6 feet 2 inches by 5 feet 6 inches. These stairs would be built away from the dwelling's exterior wall, establishing a 1-foot-10-inch-wide areaway to ensure light into a basement level window is not blocked. A railing 3 feet 6 inches high would separate the stairs from this areaway. The new addition would have two small windows, one on each side at its front right corner and function primarily as storage off the kitchen. Mr. Schmidt stated that he believed they needed relief from Section 5.43 (side yard) and 8.02.2 (alteration or extension of a pre-existing non-conforming structure). Mr. Schmidt stated that additional landscaping would be provided along the property line adjacent to the addition as a counterbalancing amenity in accordance with the requirements of Section 5.43 of the zoning by-law.

The Chair then asked whether anyone wished to speak in favor or in opposition to the proposal. No-one responded and Mr. Schmidt reminded the Board of the letter of support dated May 16, 2007, for the project from seven neighbors, two of which are direct abutters.

Assistant Director for Regulatory Planning, Polly Selkoe, then reviewed the relief required for the project:

Section 5.60 – Side Yard Requirements

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Finding</u>
Side Yard Setback	15 feet	11.1 feet	4.1 feet	<u>Variance / Special Permit*</u>

* Under Section 5.43, the Board of Appeals may waive yard and setback requirements if a counterbalancing amenity is provided. The applicant has indicated landscaping along the property line closest to the addition would be installed.

Section 8.02.2 – Alteration or Extension

A special permit is required to alter or enlarge a pre-existing non-conforming structure. This dwelling is non-conforming with respect to side yard setback.

Ms. Selkoe stated that the Planning Board has no objection to the construction of a side addition and small deck/stairs for the single-family residence. The proposed addition is modest, adds a small amount of needed floor area for storage, and should have little impact on neighboring properties. Though the addition would result in a relatively small side yard, an existing driveway is the nearest feature on the abutting property; the closest dwelling to the addition is set back substantially from the front and side lot lines. She said that the Planning Board recommended approval of the proposal and plans, prepared by Richard Schmidt, and last dated 03/06/07, and the site plan, prepared by George Collins and last dated 01/24/07, subject to the following conditions:

- 1) **Prior to the issuance of a building permit, a final landscaping plan, showing all counterbalancing amenities, shall be submitted for the review and approval of the**

Assistant Director for Regulatory Planning.

- 2) **Prior to the issuance of a building permit, the applicant shall submit to the Zoning Administrator for review and approval for conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor; 2) building elevations, stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.**

The Chair called on Frank Hitchcock representing the Building Department. Mr. Hitchcock described the project as a request to construct a small addition on the side of the home at the subject property. He stated that relief was required for the side yard setback under Section 5.43 of the bylaw. He stated that the side yard setback was currently non-conforming and the construction of this addition would exacerbate this situation. Also, relief was required under Section 8.02.2 because of the existing non-conformity. Mr. Hitchcock stated that the Building Department had no objections to the proposal, the relief required or the conditions recommended by the Planning Board.


The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that it is desirable to grant Special Permits under Section 5.43 and 8.02.2 of the Zoning Bylaw and makes the following findings pursuant to Section 9.05:

- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- e. The development as proposed will not have a significant adverse effect on the supply of housing available for low and moderate income people.

The board voted unanimously to grant all the Special Permit relief with the following conditions:

1. Prior to the issuance of a building permit, a final landscaping plan, showing all counterbalancing amenities, shall be submitted for the review and approval of the Assistant Director for Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit to the Zoning Administrator for review and approval for conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor; 2) building elevations, stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous Decision of
The Board of Appeals


Diane R. Gordon

Filing Date:

A True Copy:

ATTEST



Patrick J. Ward

Clerk

Board of Appeals